UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1177
22 October 1992

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Forty-sixth session

SUMMARY RECORD OF THE 1177th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 19 October 1992, at 10.30 a.m.

Chairman: Mr. POCAR

CONTENTS

Opening of the session

Statement by the Under-Secretary-General for Human Rights

Adoption of the agenda

Organizational and other matters

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-17977 (E)

The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the forty-sixth session of the Human Rights Committee.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

2. Mr. BLANCA (Under-Secretary-General for Human Rights) said that he was greatly honoured and pleased to be able to address the Committee and welcomed its members on the occasion of its forty-sixth session. He wished first of all to congratulate the six outgoing members of the Committee who had been re-elected for a further four-year term at the twelfth meeting of States parties held the previous month in New York. He also wished to pay a special tribute to Mr. Müllerson, Mr. Serrano Caldera and Mr. Wako, whose terms of office would expire at the end of 1992. Their contribution to the Committee's work and their support of the ideals embodied in the Covenant had been vital and their departure would be much regretted.

3. Before reviewing developments since the Committee's previous session, he wished to highlight certain passages in the Secretary-General's recent report on the work of the Organization (A/47/1), which emphasized the linkage between human rights and development. The document, which was the first annual report submitted by the Secretary-General since he had taken office, also emphasized that, while standards and procedures based on the International Bill of Human Rights existed for normal situations, the United Nations had not been able to act effectively to bring to an end massive human rights violations. However, the Organization could not stand idle or indifferent faced with the barbaric conduct which filled the news media. In that regard, the report suggested exploring ways of empowering the Secretary-General and expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, together with recommendations for action.

4. The Secretary-General felt that preventing violations before they occurred was also of primary importance. An impressive quantity of information was already being submitted to the relevant committees, commissions, the Secretary-General and various other bodies, within the United Nations system and the challenge now was to centralize and utilize that information in order to understand complex situations better and thus be in a position to suggest appropriate action. The World Conference on Human Rights to be held at Vienna in June 1993 would be important in that regard.

5. Turning to developments since the Committee's previous session, he said that the work of the Committee on the Elimination of Racial Discrimination in 1992 had once again been hindered by serious financial difficulties, and as result it had been able to hold only one shortened session of two weeks. That situation, of course, limited that Committee's ability to discharge its responsibilities effectively under the relevant Convention. Fortunately, a procedure to amend the Convention so as to fund the Committee's activities

entirely from the regular budget of the United Nations had been set in motion and should eventually enable that Committee to overcome the difficulties it was encountering.

6. The Commission on Human Rights, under the procedure established by Economic and Social Council resolution 1990/48, had held its first special session on 13 and 14 August, devoted to the serious human rights situation in the former Yugoslavia. Among the material brought to the Commission's attention had been the comments adopted by the Human Rights Committee in connection with its consideration of the third periodic report of Yugoslavia in March 1992. The Commission had decided to appoint a special rapporteur, who had visited the country from 21 to 26 August, accompanied by the Chairman of the Working Group on Arbitrary Detention and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, and had reported to the members of the Commission on his return.

7. The Committee on the Rights of the Child had held its second session from 28 September to 9 October, continuing its consideration of various matters relating to its methods of work and basing itself in particular on the working methods developed by the Human Rights Committee. It had also devoted one full day to a general discussion on the problem of children in armed conflicts.

8. The fourth meeting of chairpersons of the human rights treaty bodies had been held at Geneva the previous week. Its agenda had included the usual matters relating to improved coordination of the work of those bodies and greater cooperation on ways of overcoming impediments to the smooth operation of procedures, such as failure to meet reporting deadlines and the financial difficulties of some committees. The meeting had in addition explored the question of reservations to certain instruments. It had also provided a final opportunity for the committees to coordinate their activities in the lead-up to the World Conference on Human Rights.

9. With regard to the World Conference, he said that the third session of the Preparatory Committee, in which the Chairman of the Human Rights Committee had participated, had taken place from 14 to 18 September 1992 at Geneva. Regional meetings were planned at Tunis, from 2 to 6 November 1992, and at San José, Costa Rica, and Bangkok in early 1993. The secretariat was currently preparing six studies covering the objectives set out in General Assembly resolution 45/155.

10. The Commission on Human Rights, by its resolution 1992/43, had decided to begin work on the elaboration of a draft optional protocol to the Convention against Torture. The ultimate aim was to establish a universal system of preventive visits to places of detention. Such a mechanism already existed at the European level. A working group of the Commission would be meeting until 30 October to consider the draft.

11. The Centre for Human Rights had continued its efforts in the field of advisory services and technical assistance by organizing a number of seminars and training courses. It had benefited from the valuable cooperation of several members of the Human Rights Committee for that purpose. A training

course on the preparation of reports for submission under various international human rights instruments had been held in early August at Tehran. The Islamic Republic of Iran had recently submitted its report to the Human Rights Committee, and the training course had enabled participants to become more familiar with the Committee's procedure.

12. In conclusion, he wished the members of the Committee every success in their work, to which he attached the greatest importance, and assured them of the support of the Centre for Human Rights and its secretariat, and in particular of Mr. Ibrahima Fall, who had taken up his duties as Director of the Centre in August 1992.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CCPR/C/80)

13. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

14. The CHAIRMAN drew attention to the draft programme of work, which had been prepared by the secretariat and himself. Since the rest of the morning meeting would be devoted to reports by the working groups and an examination of the lists of issues to be taken up in connection with the consideration of reports by States parties, he suggested that the Committee should adopt the draft programme of work covering the first week of the forty-sixth session and then consider the programme of work as a whole at the afternoon meeting.

15. It was so decided.

16. The CHAIRMAN invited the Chairman/Rapporteur of the Working Group on Communications to submit her oral report.

17. Miss CHANET (Chairman/Rapporteur of the Working Group on Communications) said that the Working Group, consisting of Mr. El Shafei, Mr. Sadi, Mr. Prado Vallejo and herself, had held five meetings from 12 to 16 October 1992, the last meeting having also been attended by the Chairman of the Committee. The Working Group had considered 19 draft decisions or recommendations, including 5 in favour of admissibility, 3 in favour of inadmissibility, one to the effect that the communication in question should be referred directly to the Committee, and 10 relating to views under article 5 (4) of the Optional Protocol. Owing to lack of time, it had not been possible to consider a further four draft recommendations, two concerning views and two concerning decisions in favour of inadmissibility.

18. The CHAIRMAN invited the Chairman/Rapporteur of the Working Group under Article 40 to submit his oral report.

19. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group under Article 40) said that the Working Group, composed of Mr. Dimitrijevic, Mr. Ndiaye, Mr. Wennergren and himself, had held four meetings from 12 to 15 October and had drafted five lists of issues to be taken up in connection

with the periodic reports of Senegal, Luxembourg, the United Republic of Tanzania, the Islamic Republic of Iran and Venezuela. In general it had followed the Committee's guidelines, but in the case of the second periodic report of the Islamic Republic of Iran it had felt it advisable, for procedural reasons, to divide the list of issues into a larger number of sections. Lastly, the Working Group had reviewed the draft general comment on article 25 prepared by Mr. Müllerson.

20. The CHAIRMAN invited the Committee to consider and adopt the draft lists of issues prepared by the Working Group under Article 40.

List of issues to be taken up in connection with the consideration of the third periodic report of Senegal (CCPR/C/64/Add.5)

I. Constitutional and legal framework within which the Covenant is implemented, self-determination, non-discrimination, equality of the sexes, protection of the family and rights of persons belonging to minorities (articles 1, 2, 3, 23, 24, 26 and 27)

(a) Please clarify whether the Optional Protocol has been published in the Journal Officiel.

(b) Can an individual invoke the provisions of the Covenant before Senegalese authorities, especially in the courts?

(c) Please comment further on the functions and activities of the Senegalese Human Rights Committee, mentioned in paragraph 77 of the report.

(d) What measures have been taken to publicize the Covenant and the Optional Protocol and create public awareness about the rights contained therein?

(e) Please clarify whether the Constitution has been amended to include all the grounds of discrimination covered in the Covenant, as announced during the consideration of the second periodic report.

(f) With reference to paragraph 13 of the report please clarify whether specific legislative, administrative and judicial arrangements have been made by the Government of Senegal to prevent racial discrimination.

(g) What is the meaning of the sentence in paragraph 106 of the report that "with such a repressive body of laws, the questions of distinctions in general and minorities in particular can neither coexist with Senegalese law nor develop in such an atmosphere"?

(h) Please clarify the compatibility with the Covenant of articles 152 to 154 of the Family Code, which grant special rights to men, and whether, as announced during the consideration of the second periodic report, a commission has been set up to study family law matters.

(i) Please clarify what powers are vested in the President of the Republic in the face of certain serious and imminent dangers to the nation, under article 47 of the Constitution, and what rights can be suspended in such a situation. (See para. 30 of the report.)

II. Right to life, treatment of prisoners and other detainees, liberty and security of the person (articles 6, 7, 9 and 10)

(a) In view of the fact that only two death sentences have been pronounced in the last 30 years, is any consideration being given to the abolition of the death penalty in Senegal?

(b) In the light of article 6, paragraph 5 of the Covenant, please clarify when a person is considered a minor under article 52 of the Penal Code.

(c) Have any investigations been carried out with regard to accusations made by humanitarian organizations concerning extra-judicial executions and, if so, with what results? (See para. 32 of the report.)

(d) With reference to information contained in paragraphs 24 to 26 of the report on the rules and regulations governing the use of firearms by the police and armed forces, please provide details of the procedures that would be followed in the event of violations of these rules and regulations.

(e) Have there been any further developments, since the submission of the report, relating to the investigation of cases of torture or ill-treatment of persons deprived of their liberty? Please elaborate on measures taken to punish those found guilty, to prevent the recurrence of such acts and to disseminate information on the rights recognized in the Covenant among law enforcement officers. (See paras. 38 and 39 of the report.)

(f) Please clarify whether a lawyer has full access to his client immediately after arrest.

III. Right to a fair trial (article 14)

(a) Please comment further on the jurisdiction and activities of the State Security Court, provide examples of cases that have been assigned to it, and clarify its relationship with ordinary courts. In particular, is it possible to appeal against decisions of that court before the ordinary courts?

(b) In the light of paragraph 58 of the report, is it possible to sentence a person in absentia and, if so, under what circumstances?

21. Sections I to III were adopted.

IV. Freedom of movement and expulsion of aliens, right to privacy, freedom of opinion and expression, prohibition of propaganda for war and the incitement to national, racial or religious hatred, freedom of association and assembly (articles 12, 13, 17, 19, 20, 21 and 22)

(a) Please provide details on actual cases in which naturalized citizens have been deprived of their status as Senegalese.

(b) Why does the chapter in the report concerning article 13 of the Covenant only refer to the situation of refugees?

(c) Please comment on the restrictions to freedom of movement mentioned in paragraph 47 of the report.

(d) How is the expression of different points of view ensured in the State broadcasting corporation?

(e) Has the Government recently applied penalties in cases where newspaper articles are considered to jeopardize public security or morals? If so, please provide details of such cases. (See para. 74 of the report.)

(f) Please clarify the compatibility of Act 78-02 of 29 January 1978 with article 21 of the Covenant. (See para. 78 of the report.)

(g) How are the obligations under article 20 of the Covenant implemented in Senegalese law and practice?

22. Mrs. HIGGINS, referring to paragraph (c), observed that the information contained in the report was already in the form of a commentary; what the Committee needed was more specific details concerning restrictions on freedom of movement, and in particular on the legal situation between 1980 and 1990, a period not covered by the report.

23. Mr. LALLAH agreed with Mrs. Higgins and pointed out that the Committee also needed to know what restrictions were actually permitted by law.

24. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group under Article 40) proposed that paragraph (c) should be reworded so as to request details on legislation relating to freedom of movement, especially with regard to restrictions imposed by law (para. 47 of the report).

25. Mr. SADI said that paragraph (f), as worded in the English version, presupposed the compatibility of Act 78-02 with article 21 of the Covenant. The paragraph should, in his view, be phrased in a neutral fashion.

26. The CHAIRMAN proposed that the English version should be rephrased to ask how compatibility with article 21 was ensured.

27. Section IV, as amended by Mr. Aguilar Urbina and the Chairman, was adopted.

28. The list of issues as a whole, as amended, was adopted.

List of issues to be taken up in connection with the consideration of the second periodic report of Luxembourg (CCPR/C/57/Add.4)

I. Constitutional and legal framework within which the Covenant is implemented and non-discrimination and equality of the sexes (articles 2 (1), 2 (2), 3 and 26)

(a) Have there been any cases during the period under review where the provisions of the Covenant have been directly invoked before the courts or referred to in court decisions? If so, please provide details of such cases.

(b) In the light of information contained in paragraph 40 of the report on measures taken to improve the participation of foreigners in communal life, please provide further details of the work being accomplished by the different communes' special consultative commissions and of the support they are receiving from the communal authorities.

II. Treatment of prisoners and other detainees and right to a fair trial (articles 7, 9, 10 and 14)

(a) With reference to information contained in paragraph 10 of the report, please provide further details of the functions and activities of liaison officers who supervise places of detention.

(b) Please provide more details on guarantees provided for in the Acts of 16 June and 7 July 1989 to safeguard the interests of persons arrested.

(c) Are there any maximum limits on the length of pre-trial detention?

(d) Please provide further information on the implementation in practice of article 9, paragraph 3, of the Covenant.

(e) With reference to paragraph 21 of the report, please comment further on the activities of the official appointed in mental health establishments to inform and advise mentally-ill patients of their rights.

(f) Has the draft bill on the Protection of Youth already been adopted by the Chamber of Deputies? (See para. 22 of the report.)

(g) Please provide further information on the procedure and criteria for selecting magistrates and appeal court judges.

29. Sections I and II were adopted.

III. Freedom of movement and expulsion of aliens and freedom of expression and assembly (articles 12, 13, 19 and 21)

(a) How many aliens have been refused permission to settle in Luxembourg or had their identity card withdrawn and its renewal refused because they failed to fulfil legal obligations towards their family? (See paragraph 28 of the report.)

(b) Please provide details of administrative arrangements for the detention of aliens awaiting expulsion.

(c) Please clarify the compatibility with article 21 of the Covenant of the provision allowing communal authorities to issue regulations relating to the exercise of the right to freedom of assembly.

30. Mr. SADI, referring to paragraph (a), said he thought the question of how many aliens had been refused permission to settle in Luxembourg was not truly relevant to the Committee's concerns, which related rather to the basis on which such permission had been refused.

31. Mr. LALLAH said he did not agree that the actual number of aliens who had found themselves in such a position was irrelevant: such information would help the Committee to ascertain the practice of the State party with regard to the treatment of aliens.

32. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group under Article 40) agreed with Mr. Lallah and said such information was particularly pertinent when a report raised questions on a given subject, as the report of Luxembourg did regarding the treatment of aliens.

33. Miss CHANET drew attention to an omission in paragraph (a): the phrase "identity card" should read "alien's identity card", in line with the wording in paragraph 28 of the report.

34. Mrs. HIGGINS said the comment made by Mr. Sadi concerning section IV (f) of the list of issues relating to the third periodic report of Senegal was equally relevant to section III (c) of the list now under discussion: the wording should be revised accordingly.

35. Section III, as amended by Miss Chanet and Mrs. Higgins, was adopted.

IV. Protection of the family and rights of persons belonging to minorities (articles 23, 24 and 27)

(a) Please provide information on existing legislative or administrative arrangements for protecting children's interests in cases of separation from the family other than those described in paragraph 37 of the report.

(b) With reference to the statement made during the consideration of the initial report of Luxembourg, please provide further details of the ways and means by which the Immigration Council integrates aliens into society.

36. Section IV was adopted.

37. The list of issues as a whole, as amended, was adopted.

List of issues to be taken up in connection with the consideration of the second periodic report of the United Republic of Tanzania (CCPR/C/42/Add.12)

I. Constitutional and legal framework; self-determination; state of emergency and right to participate in the conduct of public affairs (articles 1, 2 (2) and (3), 4 and 25)

(a) Can the provisions of the Covenant, in particular those not reflected in the Bill of Rights, be directly invoked before the courts under the amended Constitution and have there been any cases where this has been done. If so, what are the results?

(b) Has domestic legislation been reviewed for its compatibility with the amended Constitution?

(c) Have any laws, decrees or administrative acts been challenged as unconstitutional on the ground that they infringed a right guaranteed under the amended Constitution? If so, please provide examples.

(d) Please elaborate on how court practice has been brought into line, pursuant to the Criminal Procedure Act as amended, with the standards set out in the Covenant.

(e) Have the functions of the Permanent Commission of Enquiry (PCE) changed as a result of the amendments to the Constitution and the Criminal Procedure Act? Please comment on the Commission's activities and effectiveness and the extent of public knowledge of its existence and role.

(f) How can a one-party system guarantee the application of articles 1 and 25 of the Covenant?

(g) Please clarify how the rights to life and to the inviolability of personal freedom in a state of emergency are ensured (see para. 65 of the report).

38. Mr. SADI suggested that paragraph (f) should be more strongly worded to make it clear that the existence of a one-party system was incompatible with the application of articles 1 and 25 of the Covenant.

39. Mrs. HIGGINS fully endorsed that view and suggested that the new version should read: "How does Tanzania seek to guarantee the application of articles 1 and 25 within its political system?"

40. Section I, as amended by Mrs. Higgins, was adopted.

II. Personal rights and security (articles 6, 7, 8, 9, 10, 11, 14, 15, 16 and 17)

(a) Please provide figures for death sentences that have been imposed and carried out in the last 10 years. What are the reasons for differences in policy between the mainland and the island (Zanzibar) as suggested in paragraph 72 of the report?

(b) With reference to paragraph 67 of the report, please explain how the right of persons sentenced to death to seek pardon or commutation, pursuant to article 6 (4) of the Covenant, is ensured.

(c) What are the rules and regulations governing the use of firearms by the police and security forces? Have there been any violations of these rules and regulations and, if so, what measures have been taken to prevent their recurrence?

(d) With reference to paragraph 75 of the report, please elaborate on measures taken by the Government in the field of health care, particularly with a view to reducing infant mortality.

(e) Are the United Nations Standard Minimum Rules for the Treatment of Prisoners complied with? How have these provisions been made known to the concerned police, armed forces, and prison personnel as well as, in general, to all persons responsible for holding interrogations?

(f) In view of its role in securing the rights under the Covenant, what is the position of the legal profession in law and practice? Has it been influenced by recent amendments of the Constitution and statutes?

(g) Is there any free legal aid and advisory scheme and, if so, how does it operate? If not, how is compliance with article 14 (3) (d) of the Covenant ensured?

41. Mr. PRADO VALLEJO said that paragraph (a) might be reworded to enable the Committee to verify whether Tanzanian legislation on the death penalty was fully in accordance with article 6 of the Covenant.

42. Mr. SADI endorsed that point and noted that the Committee's concern was to ensure that the death penalty was imposed only for the most serious crimes. It would therefore be useful for the Committee to have a description of the types of crimes for which the death penalty had been imposed in the previous 10 years.

43. Mr. WENNERGREN pointed out that the questions raised by Mr. Prado Vallejo and Mr. Sadi were covered in paragraph 73 of the report.

44. Mr. PRADO VALLEJO, referring to paragraph (c), suggested that at the end of the paragraph, a phrase should be added to inquire about the results of

investigations into violations of the rules and regulations on the use of firearms by police and security forces and about whether the guilty parties had been punished.

45. The CHAIRMAN suggested that the heading for section II, "Personal rights and security", should be revised to incorporate references to the specific rights with which it was concerned.

46. Section II, as amended by Mr. Prado Vallejo and the Chairman, was adopted.

III. Freedom of expression, assembly and movement (articles 12, 13, 17, 18, 19, 20, 21 and 22)

(a) How free is a citizen, who disagrees with the political programme of the Party, to express his views publicly? What are the "established forums" mentioned in the Constitution and paragraph 15 of the report?

(b) Please clarify the term "major qualification" for the formation of political parties. (See para. 181 of the report.)

(c) How is the right to form trade unions ensured in practice?

47. Mrs. HIGGINS suggested that paragraph (a) might no longer be relevant in the light of recent events in Tanzania. She asked for clarification from members of the Working Group on that point.

48. Mr. LALLAH agreed that since the report's submission, in August 1991, a number of events of relevance to that question had occurred in Tanzania. There would be no harm, however, in leaving the question as it stood and letting the representative of the country elaborate on the recent developments.

49. Mr. SADI suggested that the first sentence in paragraph (a) should be replaced by: "Is a citizen who disagrees with the political programme of the Party free to express his views publicly?" The question as currently worded ("How free is a citizen ...") implied that there were degrees in the freedom of expression, which was not true: it was an absolute.

50. Mr. EL SHAFEI agreed with the view expressed by Mrs. Higgins and thought that the question should be reformulated in the light of the recent developments that had taken place in the country.

51. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group under Article 40) supported the proposal made by Mr. Sadi.

52. Mrs. HIGGINS proposed that the word "Party" should be replaced by the word "Government" to reflect what she understood to be the realities of the events taking place in the country. The important point was that the Committee should be informed about the freedom of expression in a country in relation to whatever Government was in office.

53. Mr. Sadi's amendment to paragraph (a), as subamended by Mrs. Higgins was adopted.

54. Section III, as amended, was adopted.

IV. "Protection of equality and non-discrimination; and rights of persons belonging to minorities (articles 2 (1), 3, 23, 24, 26 and 27)

(a) Are there any additional measures being contemplated to protect the rights of women?

(b) In what respects are the rights of aliens different from those of the citizens?

(c) What ethnic, religious or linguistic minorities exist in the Republic? (Proportion and language.)

55. Miss CHANET said that she was not in favour of the words "to protect the rights of women" and suggested that the following formulation should be adopted: "Are there any additional measures being contemplated to guarantee the equality of men and women?"

56. Section IV, as amended by Miss Chanet, was adopted.

57. The list of issues as a whole, as amended, was adopted.

List of issues to be taken up in connection with the consideration of the second periodic report of the Islamic Republic of Iran (CCPR/C/28/Add.15)

58. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group under Article 40) said that the list of issues before the Committee reflected the fact that, during the consideration of the initial report of the Islamic Republic of Iran, a number of questions concerning Islamic law had been put to that country's delegation.

59. The CHAIRMAN invited the Committee to consider and adopt the list of issues.

I. Constitutional and legal framework within which the Covenant is implemented; state of emergency; non-discrimination and equality of the sexes (articles 2, 3, 4 and 26)

(a) Please clarify the status of the Convenant within the Iranian legal system, particularly whether individuals can invoke the provisions of the Covenant directly before the courts.

(b) How can a conflict that may arise between the provisions of the Covenant and Islamic law be resolved? In view of the statement made by the representative of the Islamic Republic of Iran during the consideration of the initial report, has there been a general review undertaken of the compatibility of the provisions of the Covenant with Islamic law?

(c) Has the Guardian Council, provided for under article 91 of the Constitution, had the opportunity to pronounce itself on the compatibility of the legislation with Islam and what have been its decisions concerning human rights?

(d) Please comment on the compatibility with articles 2 (1) and 26 of the Covenant of the provisions in articles 3 and 20 of the Constitution providing for the equal protection under the law of all citizens of the country, in conformity with Islamic criteria.

(e) Please provide further information, including relevant statistical data, concerning the participation of women in the political and economic life of the country (para. 42 of the report).

(f) Please clarify the application in practice of legal provisions relating to the dowry system as well as on their conformity with articles 2, 3 and 26 of the Covenant.

(g) In which respects, other than in the exercise of political rights, are the rights of aliens restricted as compared with those of citizens?

(h) Please provide information on the law and practice relating to the employment of minors.

60. Section I was adopted.

II. Right to life, treatment of prisoners and other detainees and liberty and security of the person (articles 6, 7, 9 and 10)

(a) How often and for what crimes has the death penalty been imposed and carried out since the consideration of the initial report?

(b) Please enumerate the offences, if any, other than those mentioned in paragraph 59 of the report, which are punishable by the death penalty.

(c) Please comment on the conformity of Iranian law with the provision in article 6, paragraph 2, of the Covenant that the death penalty should be imposed only for the most serious crimes. Is any revision of law, with a view to curtailing the number of offences currently punishable by the death penalty, being contemplated?

(d) Please comment on the application in practice of articles 18, 205, 219 and 257 of the Islamic Punishment Law mentioned in paragraph 59 of the report.

(e) Have there been any public executions in the Islamic Republic of Iran and, if so, is this procedure compatible with articles 6 and 7 of the Covenant?

(f) Have there been any complaints during the period under review of alleged disappearances and extra-judicial executions and, if so, have such allegations been investigated and with what results? What measures have been taken to prevent any recurrence of such acts?

(g) What are the rules and regulations governing the use of firearms by the police and security forces? Have there been any violations of these rules and regulations and, if so, what measures have been taken to prevent their recurrence?

(h) What concrete measures have been taken by the authorities to ensure the strictest observance of article 7 of the Covenant? Can confessions or testimony obtained under torture be used in court proceedings?

(i) Please provide information on arrangements for the supervision of places of detention and on procedures for receiving and investigating complaints.

(j) Please provide information about maximum time-limits for remand in custody and pre-trial detention.

(k) How quickly after arrest is a person's family informed and how quickly after arrest can a person contact a lawyer?

(l) Please provide information on provisions relating to incommunicado detention and clarify their compatibility with articles 7 and 10 of the Covenant.

61. Mr. EL SHAFEI, referring to paragraph (c), said he assumed that the reference to "Iranian law" was in fact to the Penal Code.

62. Mr. SADI remarked that it was natural for that issue to be addressed specifically and to know whether Iranian law was compatible with article 6 of the Covenant.

63. Mr. AGUILAR URBINA (Chairman/Rapporteur of the Working Group under Article 40) said that the paragraph, and particularly the second part in which reference was made to the number of offences currently punishable by the death penalty, was sufficiently broadly worded to include, for instance, drug trafficking offences. He thought that the paragraph should remain as it stood.

64. Section II was adopted.

III. Right to a fair trial (article 14)

(a) Please provide information on provisions governing the tenure, dismissal and disciplining of members of the judiciary. How is the independence and impartiality of judges ensured?

(b) Please provide further information on the jurisdiction and activities of the National General Inspectorate, the Administrative Justice Tribunal and the Revolutionary Courts, as well as on the legal status of the revolutionary guards and the revolutionary prosecutors, and clarify their relationship with ordinary courts.

(c) Please clarify the statement in paragraph 65 of the report that prosecution, trial, issuance and enforcement of a retribution verdict depends on the request of the next of kin.

(d) Please provide information concerning the organization and functioning of the Bar in the Islamic Republic of Iran.

65. Mr. PRADO VALLEJO proposed the addition of a paragraph requesting information on whether Iranian legislation on penal procedure was in conformity with article 14 of the Covenant.

66. In response to a point raised by Mr. LALLAH, Mr. PRADO VALLEJO said that he would not press his proposal. In any event, the members of the Committee could put questions to the delegation on the matter.

67. Section III was adopted.

IV. Freedom of movement and expulsion of aliens (articles 12 and 13)

(a) Please clarify the cases in which an individual may be banished from his place of residence, prevented from residing in the place of his choice, or compelled to reside in a given locality, and comment upon the compatibility of those provisions with article 12 of the Covenant. (See para. 141 of the report.)

(b) Please elaborate on the enjoyment, in the Islamic Republic of Iran, of the right of everyone to leave any country, including his own (para. 143 of the report).

(c) Please clarify the conditions and procedure relating to the issuance of exit visas for foreigners whose duration of stay exceeds 90 days (para. 145 of the report).

68. Section IV was adopted.

V. Freedom of religion and expression (articles 18 and 19)

(a) Have the non-believers or followers of polytheistic religions been adversely affected by the principle set out in article 2, paragraph 1 of the Constitution? Is there not a danger that nationals of the Islamic Republic of Iran would be divided in unequal categories of citizens?

(b) What is the position of religious minorities not recognized by articles 12 and 13 of the Constitution, including the Baha'is?

(c) Please clarify the meaning of the term "conspiracy or activities against Islam and the Islamic Republic of Iran" in the context of article 14 of the Constitution.

(d) Please clarify the statement in article 24 of the Constitution that "the press is free provided the matter written is not detrimental to the principles of Islam". How many newspapers are there in the Islamic Republic of Iran and are foreign publications readily available?

69. Mrs. HIGGINS suggested that the first sentence in paragraph (a) should be redrafted to read: "How are the rights of non-believers or followers of polytheistic religions under article 18 affected by the principle set out in article 2, paragraph 1, of the Constitution?" Moreover, the second sentence of the paragraph was in the nature of a comment which members might make individually, but it was not a question that the Committee would usually put in advance in writing; she therefore proposed that it should be deleted.

70. Miss CHANET thought that the question could not be confined to article 18.

71. Mrs. HIGGINS said that, to meet the point raised by Miss Chanet, the Committee could perhaps request comments on the impact of article 2, paragraph 1, of the Constitution and on the provisions of article 26 in respect of all nationals of the Islamic Republic of Iran.

72. Section V, as amended by Mrs. Higgins, was adopted.

VI. Freedom of assembly and association and right to participate in the conduct of public affairs (articles 21, 22 and 25)

(a) Please provide information concerning the number of trade unions and political parties in the Islamic Republic of Iran and how they are organized.

(b) Please provide information on the implementation in practice of the limitations to freedom of assembly and association provided for in articles 6 and 16 of the Law pertaining to Activities of Parties, Societies, Political and Professional Associations.

VII. Right of persons belonging to minorities (article 27)

(a) Are persons belonging to minorities, as defined under article 27 of the Covenant, represented in the Islamic Consultative Assembly?

(b) What arrangements have been made to secure the rights of persons of Kurdish origin, in particular in Kurdistan?

73. Sections VI and VII were adopted.

74. The list of issues as a whole, as amended, was adopted.

List of issues to be taken up in connection with the consideration of the second periodic report of Venezuela (CCPR/C/37/Add.14)

I. Constitutional and legal framework within which the Covenant is implemented; state of emergency; non-discrimination; equality of the sexes and protection of family and children (articles 2, 3, 4, 23, 24 and 26)

(a) Please clarify the status of the Covenant within the Venezuelan legal system, in particular whether individuals can invoke the provisions of the Covenant directly before the courts.

(b) Please comment on the impact of the implementation of human rights contained in the Covenant of the entry into force of the Organic Law on Protection. (See para. 21 of the report.)

(c) Please explain whether the reasons for declaring a state of emergency, referred to in paragraphs 52 to 56 of the report, are in conformity with article 4 of the Covenant and provide information on remedies available to individuals during such a period.

(d) Please elaborate on measures taken to investigate cases of disappearances, extra-judicial executions and other excesses committed during the state of emergency; to punish those found guilty; and to compensate the victims. What concrete measures have been taken to prevent the recurrence of such acts? (See paras. 53, 67 and 68 of the report.)

(e) Has the adoption of amendments to the Civil Code and the Labour Code and of other reforms with a view to eliminating inequalities between men and women led to any measurable progress to date?

(f) Please provide further information on the law and practice relating to the employment of minors and elaborate on the light work which minors under the age of 14 might be authorized to perform by the administrative authorities. (See para. 407 of the report.)

75. Mrs. HIGGINS, referring to paragraph (c), said that what members really wanted to know was which remedies were available in view of the recent events in the country. She proposed that the words "such a" in the last line of the paragraph should be replaced by the word "this".

76. Mr. PRADO VALLEJO said that there was a mistake in paragraph (c) of the Spanish text and that the word "no" should be deleted. Furthermore, it would be preferable in the last line of the paragraph to replace "los particulares" by "las personas".

77. Section I, as amended by Mrs. Higgins and Mr. Prado Vallejo, was adopted.

II. Right to life, treatment of prisoners and other detainees, liberty and security of the person, and right to a fair trial (articles 6, 7, 9, 10 and 14)

(a) What measures have been taken to prevent and punish the trafficking in organs?

(b) Has the Police Organization Bill mentioned in paragraph 125 of the report been adopted? What are the rules and regulations governing the use of firearms by the police and security forces? Have there been any violations of these rules and regulations and, if so, what measures have been taken to prevent their recurrence?

(c) Please elaborate on the status, functions and activities of the new security units referred to in paragraph 69 of the report.

(d) What concrete measures have been taken by the authorities to ensure that all courts give due attention to cases of ill-treatment at the hands of the police and security forces? (See para. 80 of the report.)

(e) What legal provisions guarantee that no one is subjected to medical and scientific experimentation?

(f) What specific measures are envisaged to address the problems affecting the supervision of places of detention and the procedures for receiving and investigating complaints? (See paras. 182-184 of the report.)

(g) Please clarify the compatibility with articles 8 and 14 of the Covenant of provisions of the Vagrancy Act relating to the custody of vagrants and malefactors in re-education centres, farming-settlements or work-camps. (See para. 97 of the report.) Have the initiatives by the Parliament or the Office of the Attorney-General led to the repeal of the Act? (See paras. 98 and 122 of the report.)

(h) Please provide information on any concrete measures that may have been taken by the Public Prosecutor's department to ensure strict adherence by the police and security forces to rules relating to the liberty and security of the person as enshrined in article 9 of the Covenant. (See paras. 104 to 108 of the report.) Have such initiatives led to any progress to date?

(i) Has the Legal Defence Bill referred to in paragraph 251 of the report been adopted by the Congress?

78. Mr. PRADO VALLEJO proposed that in paragraph (d) the words "ensure that all courts give due attention to" should be replaced by the word "investigate".

79. Mr. EL SHAFEI, referring to paragraph 80 of the second periodic report of Venezuela (CCPR/C/37/Add.14), thought that it would be preferable to retain the words in question.

80. Mrs. HIGGINS suggested that the points made by the previous speakers could be met by the insertion, at the end of paragraph (d), of the words "and to ensure that such cases are investigated".

81. Section II, as amended by Mrs. Higgins, was adopted.

III. Freedom of movement and expulsion of aliens, right to privacy, freedom of religion, expression, assembly and association, and right to participate in the conduct of public affairs (articles 12, 13, 17, 18, 19, 20, 21, 22 and 25)

(a) Please provide further information on the penalty of banishment, as provided for by articles 53 to 56 of the Criminal Code and the Act on the Commutation of Sentences by Pardon or Banishment from the National Territory of 15 December 1964, and comment upon the compatibility of those provisions with article 12 of the Covenant. (See paras. 196-197 of the report.)

(b) Please elaborate on the content of the Protection of Privacy Bill, referred to in paragraph 309 of the report. Has it already been adopted by Congress?

(c) Have the Demonstrations, Marches and Other Peaceful Protest Activities Act and the Crowd Control Act been adopted and, if so, have they been successful in fighting excesses committed by security forces against peaceful gatherings? (See para. 389 of the report.)

82. Section III was adopted.

IV. Rights of persons belonging to minorities (article 27)

(a) Please elaborate on the factors and difficulties affecting the implementation of article 27 of the Covenant, in particular, with regard to discrimination against indigenous peoples as individuals and groups. (See paras. 457 to 467 of the report.)

(b) Has the Draft Act on the Organization of Indigenous Communities, Peoples and Cultures been adopted by Congress? Is the delegation to Catholic missions of the task of "subduing and civilizing indigenous persons" compatible with the rights of Indian communities as envisaged in the Draft Act as well as with article 27 of the Covenant? (See para. 465 of the report.)

(c) Has article 77 of the Constitution been reformulated to include specific recognition of the land, traditions, religions and languages of Indian communities of Venezuela, following the advice given by the Bicameral Commission referred to in paragraph 470 of the report?

83. Mrs. HIGGINS, referring to paragraph (a), proposed that, since article 27 did not refer to discrimination, the words "with regard to discrimination against" should be replaced by "with respect to the treatment of".

84. Section IV, as amended by Mrs. Higgins, was adopted.

85. The list of issues as a whole, as amended, was adopted.

The meeting rose at 12.35 p.m.